

Case No. 4992-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rosenblum et al.

Serial No.: 10/718,237

Filed: November 19, 2003

For: **POLYNUCLEOTIDE SEQUENCE DETECTION
ASSAYS AND ANALYSIS**

) Group Art Unit: To be assigned

) Examiner: To be assigned

) Confirmation No.: 9907

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION
and NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant received a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION dated August 10, 2004 in the above-captioned application.

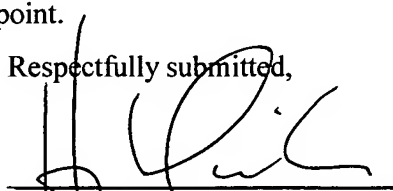
This notice also contained a notice to comply with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures under 37 CFR 1.821-1.825. Applicants respectfully submit that this notice was sent in error, since the only nucleotide sequences contained in the application are found in figure 2. As they are less than ten nucleotides, as per 37 CFR 1.821, sequences listings are not required.

Additionally, figure 2 illustrates a way to differentiate between two potential alleles in a target locus by ligation. The nature of the application involves a general form of sequence detection and does not involve specific nucleotide sequences that serve a claimed biological function. The exact sequences used in the figure are neither unique to, nor the subject of the application.

Accordingly, Applicant believes that no sequence listings are required, and requests confirmation from the Patent Office on this point.

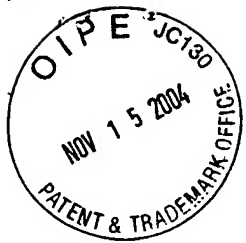
Respectfully submitted,

Date: November 10, 2004



Hugh J. Pasika, Reg. No. 54,362
Patent Agent for Applicants

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Confirmation No.: 9907

) Group Art Unit: To be assigned
)
)

) Examiner: To be assigned
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)

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <p style="text-align: center;"><u>November 10, 2004</u> Date of Deposit</p> <p style="text-align: center;"><u>Cheri Gomez</u> Name of Depositing Party</p> <p style="text-align: center;"><u><i>Cheri Gomez</i></u> Signature of Depositing Party</p>
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RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application, Filing Date Granted mailed August 10, 2004, Applicants submit the following documents to complete the filing for the above-identified patent application:

1. Executed Declaration for Utility Patent Application (3 pages);
2. Executed Power of Attorney or Authorization of Agent, Statement Under 37 CFR 3.73 (b), and Limited Authorization to Act on Behalf of Assignee (3 pages);
3. Petition for Extension of Time Under 37 CFR 1.136(a) (duplicate);

4. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures.
5. Copy of Notice to File Missing Parts of Application, Filing Date Granted (Form PTO-1533); and
6. Copy of Assignment which was filed through EPAS.

Applicants hereby authorize the United States Patent and Trademark Office to charge the necessary surcharge of \$130.00 to **Deposit Account No. 01-2213 (Order No. 4992-1)**. The Commissioner is also authorized to charge any additional fees or credit any excess payments to Deposit Account No. 01-2213 (Order No. 4992-1). **This response is enclosed in duplicate.**

Respectfully submitted,

Date: 11/10/04



Hugh J. Pasika, Reg. No. 54,362
Agent for Applicants

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/718,237	11/19/2003	Barnett Rosenblum	4992-IUS

CONFIRMATION NO. 9907

22896

MILA KASAN, PATENT DEPT.
 APPLIED BIOSYSTEMS
 850 LINCOLN CENTRE DRIVE
 FOSTER CITY, CA 94404

FORMALITIES LETTER



OC000000013489298

Date Mailed: 08/10/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600

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- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Meaza W
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE